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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant: Jack Beery

Serial No.: 08/116,019

Filed: September 2, 1993

Title: TELEVISION RECEIVER HAVING MEMORY CONTROL FOR
TUNE-BY-LABEL FEATURE

Examiner: N. Flynn

Art Unit: 2602

Reissue of: U.S. Patent No. 5,045,947

Issued: September 3, 1991

Docket No.: JB-2.3

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37 CFR 1.8(B)(ii)

I hereby certify that this correspondence is being
transmitted by facsimile to the U.S. Patent and
Trademark Office at fax number 703-305-3988
on April 30, 1997.

Thomas A. Boshinski
Reg. No. 30,611Assistant Commissioner for Patents
Washington, DC 20231SECOND SUBSTITUTE DECLARATION (REISSUE)

Dear sir:

I, Jack Beery, hereby declare as follows:

1. My residence and post office address is 1550 Cedar Bark Trail, Unit 1, Dayton, Ohio 45449, and I am a citizen of the United States of America. At the time the above application was filed my residence and post office was 907 Sixth Street, S.W., Suite 815-C, Washington, D.C. 20024.
2. I verily believe I am the original, first and sole inventor of the invention described and claimed in United States Patent No. 5,045,947 issued on September 3, 1991 and entitled TELEVISION RECEIVER HAVING MEMORY CONTROL FOR TUNE-BY-LABEL FEATURE, and described and claimed in the attached specification, for which invention I solicit a reissue patent.

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3. I hereby state that I have reviewed and understand the contents of the specification of patent application Serial No. 08/116,019, including the claims as filed and as amended.

4. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §§1.56(a) and 1.175(a)(7).

5. In addition to U.S. Patent No. 5,045,947 (hereinafter referred to as the '947 patent), I am the owner of U.S. Patent 5,068,734 issued November 26, 1991 and entitled APPARATUS FOR CONTROLLING A TELEVISION RECEIVER (hereinafter referred to as the '734 patent) of which the '947 patent is a continuation-in-part. The specifications of the '734 and '947 patents are identical, except for several paragraphs added to the application for the '947 patent.

6. The '734 patent has been reexamined, and reexamination certificate No. B1 5,068,734 was issued on October 26, 1993.

7. I verily believe the above identified U. S. Patent No. 5,045,947 (hereinafter referred to as the '947 patent) to be partly inoperative or invalid by reason of the Patentee claiming less than Patentee had a right to claim in the '947 patent.

8. Such subject matter was also not claimed in the '734 patent or its reexamination.

9. The following changes to the '947 patent are made in this application:

Changes to the Specification

10. The specification has been changes as follows:

In column 4, lines 25-26, "convention" has been changed to "conventional". In column 9, line 14, "channel code" has been changed to "select code". In column 9, line 53, "the" (second

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occurrence) has been changed to "then". In column 10, line 58, "display codes" has been changed to "select codes". In column 11, lines 38-39, "display code" has been changed to "select code". In column 11, lines 39-40, "display code" has been changed to "select code". In column 12, line 19, "display code" has been changed to "select code". In column 12, line 21, "208" has been changed to "210". In column 12, line 28, "display code" has been changed to "select code". In column 12, lines 29-30, "display code" has been changed to "select code".

Changes to the Claims

11. This reissue application as filed included claim 1-10. Claims 11-56 have been added by amendments subsequently submitted, and claims 1-5, 7-19, 21-28 and 30-56 are currently pending. Claims 1-4 of this application are identical to claims 1-4 of the '947 patent.

12. Specific changes to the claims are as follows:

Claim 5

The '947 patent (as well as the '734 patent) does not claim a method of controlling a television receiver as defined in claim 5 of the attached specification. Specifically, there are no claims in the '947 patent that recite:

A method of controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned channel tuning designation upon receipt of a channel tuning control signal, comprising the steps of:

generating using an operator-actuated control means a first control output signal comprising a first data set representative of at least one desired channel select designation for at least one of said channel tuning designations;

storing in a memory said channel select designation as corresponding to the respective one of said channel tuning designations;

generating using said operator-actuated control means a second control output signal comprising a second data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

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retrieving from said memory the one of said channel tuning designations corresponding to said operator selected channel select designation; and

generating said channel tuning control signal to correspond to said one channel tuning designation.

Claim 7

Claim 7 is unlike any claim of the '947 patent. It is similar to claim 29 of the '734 patent as re-examined, except that the tuner means recited in claim 29 of the '734 patent is not recited in claim 7. Instead, claim 7 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In the second-last paragraph of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 8

Claim 8 is unlike any claim of the '947 patent. It is somewhat similar to claim 11 of the '734 patent as re-examined, although broader. Claim 8 does not require:

memory means for storing at least one operator-assigned channel select designation for at least one of said tuning designations;

operator-actuated control means for generating a control output signal comprising one of (a) a first data set representative of a desired channel select designation for one of said channel tuning designations, and (b) a second data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

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processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and upon receipt of said second data set, retrieving from said memory means the one of said channel tuning designations corresponding to said operator selected channel select designation, and generating said processor signal to correspond to said one channel tuning designation.

The final three elements of claim 8 correspond generally to the final three elements of claim 11 of the re-examined '734 patent, as illustrated by the following columns:

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memory means for storing at least one marker/order bit for at least one of said channel tuning designations, for retaining said channel tuning designations in an ordered cue;

operator actuated control means for generating a control output signal comprising one of (a) a first data set representative of the presence of said marker/order bit associated with one of said tuning designations, and (b) a second data set representative of a command to advance to a subsequent channel tuning designation within said cue;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store any of said marker/order bits associated with one of said channel tuning designations corresponding to the respective place of said channel tuning designation within said cue, and upon receipt of said

Claim 11 - '734 Pat. (Reexam.)

wherein said memory means includes means for storing at least one marker bit for each of said channel select designations, and means for retaining said channel select designations in an ordered cue;

said control means includes means for generating, at the selection of the operator, a part of said first data set representative of the presence of said marker bit associated with one of said channel select designations, and means for generating a third data set representative of a command to advance to a subsequent channel select designation within said cue;

said processor means, upon receipt of said first data set, causing said memory means to store any of said marker bits associated with one of said channel select designations,

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second data set, reviewing said cue to determine a next in order of said channel tuning designations to have one of said marker/order bits associated therewith, and generating said processor signal to correspond to said next channel tuning designation.

and upon receipt of said third data set, reviewing said cue to determine a next of said channel select designations to have one of said marker bits associated therewith, and

generating said processor signal to correspond to said next channel select designation.

Claim 9

Claim 9 is unlike any claim of the '947 patent. It is somewhat similar to claim 27 of the '734 patent as re-examined, although broader. Claim 9 does not require:

memory means for storing at least one operator-assigned channel select designation for at least one of said tuning designations;

operator-actuated control means for generating a control output signal comprising one of (a) a first data set representative of a desired channel select designation for one of said channel tuning designations, and (b) a second data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and upon receipt of said second data set, retrieving from said memory means the one of said channel tuning designations corresponding to said operator selected channel select designation, and generating said processor signal to correspond to said one channel tuning designation.

The final three elements of claim 9 correspond generally to the final three elements of claim 27 of the re-examined '734 patent, as illustrated by the following columns:

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Claim 9 - 08/116,019

memory means for storing a marker value for at least one of said channel tuning designations, and means for retaining said channel tuning designations in a plurality of ordered cues;

operator actuated control means for generating a control output signal comprising one of (a) a first data set representative of the presence of said marker value associated with one of said channel tuning designations and one of said cues, and (b) a second data set representative of a command to advance to a subsequent channel tuning designation within a selected one of said cues;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store any of said marker values associated with one of said channel tuning designations,

and upon receipt of said second data set, reviewing the corresponding one of said cues to determine a next of said channel tuning designations to have one of said marker values associated therewith which corresponds to said cue, and generating said processor signal to correspond to said next channel tuning designation.

Claim 27 - '734 Pat. (Reexam.)

wherein said memory means [sic; includes means] for storing a marker value for each of said channel select designations, and means for retaining said channel select designations in a plurality of ordered cues;

said control means includes means for generating, at the selection of the operator, a part of said first data set representative of the presence of said marker value associated with one of said channel select designations and one of said cues, and means for generating a third data set representative of a command to advance to a subsequent channel select designation within a selected one of said cues;

said processor means, upon receipt of said first data set, causing said memory means to store any of said marker values associated with one of said channel select designations,

and upon receipt of said third data set, reviewing the corresponding one of said cues to determine a next of said channel select designations to have one of said marker values associated therewith which corresponds to said cue, and generating said processor signal to correspond to said next channel select designation.

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Claim 10

Claim 10 is unlike any claim of the '947 or '734 patents. It is dependent upon claim 9 of the application, and adds the limitation that:

said control means further includes means for generating a cue selection signal corresponding to one of said cues, and wherein said processor means, upon receipt of said cue selection signal reviews the one of said cues corresponding thereto.

Claim 11

Claim 11 is unlike any claim of the '947 patent. It is similar to claim 27 of the '734 patent as re-examined, except that the tuner means recited in claim 27 of the '734 patent is not recited in claim 11. Instead, claim 11 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 21 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 12

Claim 12 is unlike any claim of the '947 patent. It is similar to claim 10 of the '734 patent as re-examined, except that the tuner means recited in claim 10 of the '734 patent is not recited in claim 12. Instead, claim 12 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning

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designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 21 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 13

Claim 13 is unlike any claim of the '947 patent. It is similar to claim 14 of the '734 patent as re-examined, except that the tuner means recited in claim 14 of the '734 patent is not recited in claim 13. Instead, claim 13 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 12 of the claim, the language "distinct and remote from said first operator-actuated control means" has been added to further modify "second operator-actuated control means." In line 24 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 14

Claim 14 is unlike any claim of the '947 patent. It is similar to claim 17 of the '734 patent as re-examined, except that the tuner means recited in claim 17 of the '734 patent is not recited in claim 14. Instead, claim 14 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning

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designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 15 of the claim, the language "distinct and remote from said first operator-actuated control means" has been added to further modify "second operator-actuated control means."

In lines 23-24 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 15

Claim 15 is unlike any claim of the '947 patent. It is similar to claim 25 of the '734 patent as re-examined, except that the tuner means recited in claim 25 of the '734 patent is not recited in claim 15. Instead, claim 15 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 21 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 16

Claim 16 is unlike any claim of the '947 patent. It is somewhat similar to claim 12 of the '734 patent as re-examined, although broader. (The discussion of claim 12 herein includes the limitations of claim 11 of the re-examined '734 patent from which claim 12 depends.) Claim 16 does not require:

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memory means for storing at least one operator-assigned channel select designation for at least one of said tuning designations;

operator-actuated control means for generating a control output signal comprising one of (a) a first data set representative of a desired channel select designation for one of said channel tuning designations, and (b) a second data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and upon receipt of said second data set, retrieving from said memory means the one of said channel tuning designations corresponding to said operator selected channel select designation, and generating said processor signal to correspond to said one channel tuning designation.

The final five elements of claim 16 correspond generally to the final five elements of claim 12 of the re-examined '734 patent, as illustrated by the following columns:

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memory means for storing at least one marker bit for at least one of said channel tuning designations, for retaining said channel tuning designations in an ordered cue;

operator actuated control means for generating a control output signal comprising one of (a) a first data set representative of the presence of said marker bit associated with one of said tuning designations, and (b) a second data set representative of a command to advance to a subsequent channel tuning designation within said cue;

Claim 12 - '734 Pat. (Reexam.)

wherein said memory means includes means for storing at least one marker bit for each of said channel select designations, and means for retaining said channel select designations in an ordered cue;

said control means includes means for generating, at the selection of the operator, a part of said first data set representative of the presence of said marker bit associated with one of said channel select designations, and means for generating a third data set representative of a command to advance to a subsequent channel select designation within said cue;

said processor means, upon receipt of said first data set, causing said memory means to

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processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store any of said marker bits associated with one of said channel tuning designations corresponding to the respective place of said channel tuning designation within said cue, and upon receipt of said second data set, reviewing said cue to determine a next in order of said channel tuning designations to have one of said marker bits associated therewith, and generating said processor signal to correspond to said next channel tuning designation;

said memory means including means for storing at least one order bit for each of said channel tuning designations which have one of said marker bits associated therewith which comprises said means for retaining said channel tuning designations in said ordered cue;

said processor means, upon receipt of said first data set, causing said memory means to store an order bit associated with said channel tuning designations which has one of said marker bits associated therewith corresponding to the respective place of said channel tuning designation within said cue, and upon receipt of said third data signal, determining said next of said channel tuning designations which have one of said marker bits associated therewith by reviewing said order bits.

store any of said marker bits associated with one of said channel select designations,

and upon receipt of said third data set, reviewing said cue to determine a next of said channel select designations to have one of said marker bits associated therewith, and generating said processor signal to correspond to said next channel select designation[.]

[...] said memory means includes means for storing at least one order bit for each of said channel select designations which comprises said means for retaining said channel select designations in said ordered cue;

said processor means, upon receipt of said first data set, causing said memory means to store an order bit associated with said channel select designation corresponding to the respective place of said channel select designation within said cue, and upon receipt of said third data signal, determining said next of said channel select designations by reviewing said order bits.

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Claim 17

Claim 17 is similar to claim 7 of this application, discussed in detail above. Claim 17 differs from claim 7 in that the preamble and second-last paragraph include, in place of "upon receipt of", the language "after receiving".

Claim 18

Claim 18 is unlike any claim in either the '947 or '743 patents. This claim adds to claim 17 the limitation that:

said memory means includes means for storing, for a plurality of said channel tuning designations, a channel select designation for each of said plurality of channel tuning designations which is identical thereto.

Claim 19

Claim 19 is unlike any claim in either the '947 or '743 patents. This claim adds to claim 18 the limitation that:

said multi-channel input includes a plurality of active channels, said memory means including means for storing a channel select designation for each of said active channels which is identical thereto.

Claim 21

Claim 21 is similar to claim 8 of this application, discussed in detail above. Claim 21 differs from claim 8 in that the last paragraph includes, in place of "upon receipt of", the language "after receiving".

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Claim 22

Claim 22 is similar to claim 9 of this application, discussed in detail above. Claim 22 differs from claim 9 in that the last paragraph includes, in place of "upon receipt of", the language "after receiving".

Claim 23

Claim 23 is similar to claim 11 of this application, discussed in detail above. Claim 23 differs from claim 11 in that the preamble and fourth and last paragraphs include, in place of "upon receipt of", the language "after receiving".

Claim 24

Claim 24 is similar to claim 12 of this application, discussed in detail above. Claim 24 differs from claim 12 in that the preamble and fourth and last paragraphs include, in place of "upon receipt of", the language "after receiving".

Claim 25

Claim 25 is similar to claim 13 of this application, discussed in detail above. Claim 25 differs from claim 13 in that the preamble and last paragraph include, in place of "upon receipt of", the language "after receiving".

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Claim 26

Claim 26 is similar to claim 14 of this application, discussed in detail above. Claim 26 differs from claim 14 in that the preamble and last paragraph include, in place of "upon receipt of", the language "after receiving".

Claim 27

Claim 27 is similar to claim 15 of this application, discussed in detail above. Claim 27 differs from claim 15 in that the preamble and second-last paragraph include, in place of "upon receipt of", the language "after receiving".

Claim 28

Claim 28 is similar to claim 16 of this application, discussed in detail above. Claim 28 differs from claim 16 in that the fifth paragraph includes, in place of "upon receipt of", the language "after receiving".

Claim 30

Claim 30 is similar to claim 7 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

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Claim 31

Claim 31 is similar to claim 8 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 32

Claim 32 is similar to claim 9 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 33

Claim 33 is similar to claim 11 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

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Claim 34

Claim 34 is similar to claim 12 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 35

Claim 35 is similar to claim 13 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 36

Claim 36 is similar to claim 15 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

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Claim 37

Claim 37 is similar to claim 16 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". The term "marker/order bit" has been substituted for "marker bit." In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 38

Claim 38 is similar to claim 10 of the '734 patent. It differs from claim 10 in that the memory means is defined as being for "storing at least one operator-assigned channel select designation for *each of a plurality* of said channel tuning designations." In addition, claim 38 in its final paragraph differs from claim 10 (of '734) in that the processor means is for

clearing from said memory a selected one of said channel select designations and restoring therein said channel select designation for a corresponding one of said channel tuning designations which is identical thereto.

Claim 39

Claim 39 is unlike any claim of the '947 patent. It is similar to claim 38 of this application, except that the tuner means recited in claim 38 of this application is not recited in claim 39.

Instead, claim 39 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning

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designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 21 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 40

Claim 40 is identical to claim 9 of this application, except that "scroll sequence" has been substituted for "cue".

Claim 41

Claim 41 is unlike any claim of the '947 or '734 patents. It is dependent upon claim 40 of the application, and adds the limitation that:

said control means further includes means for generating a cue selection signal corresponding to one of said cues, and wherein said processor means, upon receipt of said cue selection signal reviews the one of said cues corresponding thereto.

Claim 42

Claim 42 is identical to claim 16 of this application, except that "scroll sequence" has been substituted for, "cue".

Claim 43

Claim 43 is identical to claim 28 of this application, except that "scroll sequence" has been substituted for "cue".

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Claim 44

Claim 44 is identical to claim 27 of the '734 patent as re-examined, except that "scroll sequence" has been substituted for "cue".

Claim 45

Claim 45 is unlike any claim in the '947 or '734 patents. It is dependent on claim 9 of this reissue application, and adds to that claim the further limitations that:

said memory means further includes means for storing at least one operator-assigned channel select designation for at least one of said channel tuning designations;

said control output signal further comprises one of (c) a third data set representative of a desired channel select designation for one of said channel tuning designations, and (d) a fourth data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

said processor means further, following receipt of said third data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and following receipt of said fourth data set, retrieving from said memory means the one of said channel tuning designations corresponding to said operator selected channel select designation, and generating said processor signal to correspond to said one channel tuning designation.

Claim 46

Claim 46 is unlike any claim in the '947 or '734 patents. It is dependent on claim 45 of this reissue application, and adds to that claim the further limitations that:

said memory means further includes means for storing at least one operator-assigned display designation for at least one of said channel tuning designations;

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said control output signal further comprises one of (e) a fifth data set representative of a desired display designation for one of said channel tuning designations;

said processor means further, following receipt of said fifth data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and following receipt of said fourth data set, retrieving from said memory means the one of said display designations corresponding to said one channel tuning designation and causing said one display designation to be displayed on said display.

Claim 47

Claim 47 is unlike any claim in the '947 or '734 patents. It is dependent on claim 9 of this reissue application, and adds to that claim the further limitations that:

said memory means further includes means for storing at least one operator-assigned display designation for at least one of said channel tuning designations;

said control output signal further comprises one of (c) a third data set representative of a desired display designation for one of said channel tuning designations;

said processor means further, following receipt of said third data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and further following receipt of said second data set, retrieving from said memory means the one of said display designations corresponding to said next channel tuning designation and causing said one display designation to be displayed on said display.

Claim 48

Claim 48 is similar to claim 27 of the '734 patent as re-examined. It differs from claim 27 in that it includes the additional element "a television screen", and adds to the end of the claim the language "whereby a selected television channel is displayed on said screen."

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Claim 49

Claim 49 is unlike any claim of the '947 patent. It is similar to claim 1 of the '734 patent as re-examined, except that in each instance, "channel code" has been substituted for "channel tuning designation", "select code" has been substituted for "channel select designation", and "in response to" has been substituted for "upon receipt of". The tuner means recited in claim 1 of the '734 patent is not recited in claim 49. Instead, claim 49 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned channel code in response to a channel tuning control signal, the system comprising....
(emphasis added)

In the final paragraph of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 50

Claim 50 is unlike any claim of the '947 patent. It is similar to claim 17 of this application, except that in each instance, "channel code" has been substituted for "channel tuning designation", and "select code" has been substituted for "channel select designation".

Claim 51

Claim 51 is unlike any claim of the '947 patent. It is similar to claim 25 of this application, except that in each instance, "channel code" has been substituted for "channel tuning designation", and "select code" has been substituted for "channel select designation".

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Claim 52

Claim 52 is unlike any claim of the '947 patent. It is similar to claim 27 of this application, except that in each instance, "channel code" has been substituted for "channel tuning designation", and "select code" has been substituted for "channel select designation".

Claim 53

Claim 53 is unlike any claim of the '947 patent. It is similar to claim 20 of this application, except that the first element of claim 20 has been changed as follows (added language shown by italics and deleted language shown by brackets):

memory means for storing a plurality of said channel tuning designations within a first series, and for storing within a second series a plurality of [at least one] operator-assigned channel select designations wherein each of said channel select designations within said second series corresponds to [for at least] one of said channel tuning designations within said first series;

and the third element has been changed as follows:

processor means for receiving said control output signal from said operator-actuated control means, and in response to said first data set, causing said memory means to store said desired channel select designation within said second series as corresponding to said one channel tuning designation within said first series, and in response to said second data set, retrieving from said first series [memory means] the one of said channel tuning designations corresponding to said operator selected channel select designation, and generating said channel tuning control signal to correspond to said one channel tuning designation.

Claim 54

Claim 54 is unlike any claim of the '947 patent. It is dependent on claim 53 of this reissue application, and adds to that claim the further limitations that:

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said memory means further includes means for storing within a third series an operator-assigned display designation corresponding to at least one of said channel tuning designations within said first series;

said control output signal further comprises one of (c) a third data set representative of a desired display designation for one of said channel tuning designations;

said processor means further, following receipt of said third data set, causing said memory means to store said desired channel select designation within said third series as corresponding to said one channel tuning designation, and further following receipt of said second data set, retrieving from said third series the one of said display designations corresponding to said next channel tuning designation and causing said one display designation to be displayed on said display.

Claim 55

Claim 55 is unlike any claim in the '947 patent. It is dependent on claim 5 of this reissue application, and adds to that claim the further limitations that:

said step of generating said first control output signal is performed by a first person, and wherein said step of generating said second control output signal is performed by a second person.

Claim 56

Claim 56 is unlike any claim in the '947 patent. It is dependent on claim 5 of this reissue application, and adds to that claim the further limitations that:

said step of generating said first control output signal is performed by a first person, and wherein said desired channel select designation is predetermined by a second person.

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13. The foregoing changes are being made because, through error, I claimed less than I had a right to claim in either the '947 or '734 patents. This error occurred throughout the preparation and prosecution of the applications for the '734 and '947 patents.

14. At the time the applications for both the '734 and '947 patents were prepared and prosecuted, I incorrectly concentrated too narrowly (as I now realize) on an apparatus for use as a television controller, and specifically wherein the controller had the ability to assign operator-selected channel designations for use in selecting television channels.

15. As a result, I did not realize that my invention also encompassed the method in accordance with which the device operated. I did not discuss the possibility of presenting method claims in the applications for the '734 and '947 patents with Thomas A. Boshinski, the attorney who represented me throughout the preparation and prosecution of the applications. At the same time, I overlooked the fact that it was not necessary to include the tuner means of the television receiver as an element in the claims, since the device could be constructed as a remote device which relied upon the television's own tuning means. I did not discuss whether the tuner means was a necessary claim limitation with Mr. Boshinski during the preparation or prosecution of applications for the '734 and '947 patents.

16. In addition, I invented various other television control features, among them being a system wherein the operator may selectively assign desired channels in a desired order into a cue or into a scroll sequence, or wherein the operator may assign selected channels into two or

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more independent cues or scroll sequences for channel selection. However, because I assumed such features would all be incorporated into a single remote control device, these features were erroneously claimed only in combination with the operator-selected channel designation feature. In fact, these features should have also been claimed independently. However, I did not recognize the possibility of presenting such claims, nor did I discuss the possibility with Mr. Boshinski during the preparation or prosecution of the applications for the '734 and '947 patents.

17. I also did not utilize certain alternate claim language to that actually used in the claims of the '947 and reexamined '734 patents. I did not claim my invention, with respect to the actions of the processor, using the alternate language "in response to" instead of "upon receipt of" with regard to various input signals to the processor. I also erroneously did not claim my invention using the alternate language "tuner" for "tuner means", "memory" for "memory means", "operator-actuated control device" for "operator-actuated control means", and "processor" for "processor means"; the alternate language "channel code" for "channel tuning designation" and "select code" for "channel select designation"; and the alternate language wherein the "channel tuning designation" is defined as being "in a first series", and the "channel select designation" is defined as being in a second series. None of the alternative language set forth above occurred to me during the preparation and prosecution of the applications for the '734 and '947 patents, and I did not discuss the possibility of presenting claims using any of this language with Mr. Boshinski during the preparation and prosecution of the applications.

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18. I also erroneously did not present claims to my invention which included the limitation that "said control means further includes means for generating a cue selection signal corresponding to one of said cues, and wherein said processor means, upon receipt of said cue selection signal reviews the one of said cues corresponding thereto." It did not occur to me to include this limitation in the claims of the applications for either the '734 or '947 patents at the time they were prepared and prosecuted, and I did not discuss the possibility of presenting one or more claims incorporating this limitation in the applications for the '734 and '947 patents with Mr. Boshinski.

19. I erroneously did not present claims to my invention which included the limitation that "said memory means includes means for storing, for a plurality of said channel tuning designations, a channel select designation for each of said plurality of channel tuning designations which is identical thereto." nor did I present claims to my invention which included the further limitation that "said multi-channel input includes a plurality of active channels, said memory means including means for storing a channel select designation for each of said active channels which is identical thereto." It did not occur to me to include this limitation in the claims of the applications for either the '734 or '947 patents at the time they were prepared and prosecuted, and I did not discuss the possibility of presenting one or more claims incorporating this limitation in the applications for the '734 and '947 patents with Mr. Boshinski.

20. I erroneously did not present claims to my invention which included the limitation that "storing at least one operator-assigned channel select designation for *each of a plurality* of said

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channel tuning designations," and that the processor means is for clearing from said memory a selected one of said channel select designations and restoring therein said channel select designation for a corresponding one of said channel tuning designations which is identical thereto." It did not occur to me to include this limitation in the claims of the applications for either the '734 or '947 patents at the time they were prepared and prosecuted, and I did not discuss the possibility of presenting one or more claims incorporating this limitation in the applications for the '734 and '947 patents with Mr. Boshinski.

21. I did not claim my invention, with respect to the actions of the processor, using the alternate language "scroll sequence" instead of "cue" with regard to channel selection. It did not occur to me to use this alternate language in claims of the applications for either the '734 or '947 patents at the time they were prepared and prosecuted, and I did not discuss the possibility of presenting one or more claims incorporating this language in the applications for the '734 and '947 patents with Mr. Boshinski.

22. I also did not claim my invention, with respect to the actions of the processor, using the alternate language "following receipt of" instead of "upon receipt of" with regard to various input signals to the processor. It did not occur to me to use this alternate language in claims of the applications for either the '734 or '947 patents at the time they were prepared and prosecuted, and I did not discuss the possibility of presenting one or more claims incorporating this language in the applications for the '734 and '947 patents with Mr. Boshinski.

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23. I erroneously did not present claims to my invention which included the additional claim element "a television screen", and the limitation "whereby a selected television channel is displayed on said screen." It did not occur to me to include this limitation in the claims of the applications for either the '734 or '947 patents at the time they were prepared and prosecuted, and I did not discuss the possibility of presenting one or more claims incorporating this limitation in the applications for the '734 and '947 patents with Mr. Boshinski.

*Noting
the fact that*

24. I erroneously did not present claims to my invention which included a method in which "said step of generating said first control output signal is performed by a first person, and wherein said step of generating said second control output signal is performed by a second person," and in which "said step of generating said first control output signal is performed by a first person, and wherein said desired channel select designation is predetermined by a second person." It did not occur to me to include these limitations in the claims of the applications for either the '734 or '947 patents at the time they were prepared and prosecuted, and I did not discuss the possibility of presenting one or more claims incorporating these limitations in the applications for the '734 and '947 patents with Mr. Boshinski.

25. All of these errors arose without any deceptive intention on my part.

26. I discovered during the period from about January through about March of 1993 that I had claimed less than what I had a right to claim in either of the '947 or '734 patents. Since prior to this time, I had been studying a situation wherein I believed a manufacturer and seller

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who discovered these errors

of videorecorder control devices was infringing my '734 patent. During the months of January through about March of 1993, Mr. Boshinski and I interviewed several attorneys about the possibility of representing me in connection with such matter. In discussions with these attorneys and with Mr. Boshinski concerning the details of my case, it became clear to me that I had claimed less than I had a right to claim in one or the other of the '734 and '947 patents.

27. At about the same time, I was involved with the reexamination of the '734 patent. During the early part of 1993, an Office action was received in the reexamination which caused Mr. Boshinski and me to carefully study and discuss the claims of the '734 and '947 patents. This further convinced me I had claimed less than I had a right to claim. I also discovered the errors in the specification at column 12, lines 19, 21 and 28-30.

28. I thereafter asked Mr. Boshinski to consider whether a reissue application for the '947 patent could be filed, and if so, to prepare the necessary papers for its filing.

29. Mr. Boshinski and I studied the '947 patent during mid-1993 to determine whether the specification and prior art relevant to the '947 patent would permit broader and/or additional claims beyond those which were originally granted.

30. Together, Mr. Boshinski and I identified at least the subject matter set out in claims 5-10 of this application which, through error, were not presented in the original application.

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31. In August, 1993, I brought an infringement action against several defendants in connection with my '734 patent. As the litigation progressed, I further continued to study the claims of the '734 and '947 patents with Mr. Boshinski and the attorney representing me in the litigation.

32. The present application to reissue the '947 patent was filed on September 2, 1993.

Handwritten: 1750-1994
33. During the period of approximately March through August 1994, Mr. Boshinski and I further identified the subject matter set out in claims 11-48 of this application which, through error, were not presented in the original application.

Handwritten: 1750-1994
34. During the period of approximately November and December 1994, Mr. Boshinski and I also identified the subject matter set out in claims 49-56 of this application which, through error, were not presented in the original application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code,

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and that such willful false statements may jeopardize the validity of the application or any patent
issuing thereon.

Jack Beery
Jack Beery

28 April 1997
Date